

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DR. AHMED GHANIM,

Case No. 24-13086

Plaintiffs,

F. Kay Behm

v.

United States District Judge

AEG PRESENTS MI, LLC and
BIDEN FOR PRESIDENT
CAMPAIGN COMMITTEE, INC.
d/b/a HARRIS FOR PRESIDENT
and BFPCC, INC,

Defendants.

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**ORDER REGARDING DEFENDANT'S
MOTION TO DISMISS (ECF No. 12)**

On February 24, 2025, Plaintiffs filed a first amended complaint against Defendants alleging violations of Title II, 42 U.S.C. § 2000a, the Elliott-Larsen Civil Rights Act, Mich. Comp. Laws § 37.2101, *et seq.*, and Intentional Infliction of Emotional Distress (IIED) (ECF No. 5). On March 28, 2025, Defendant AEG Presents MI, LLC filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim. (ECF No. 12).

Fed. R. Civ. P. 15(a)(2) states that courts should grant leave to amend a complaint “when justice so requires.” In the court’s view,

under the present circumstances, allowing Plaintiffs an opportunity to amend a second time serves the ends of justice. Accordingly, without expressing any view regarding the merits of the Motion to Dismiss, the court will afford Plaintiffs the opportunity to cure any purported deficiencies by filing a second amended complaint. The court **ORDERS** that any amended complaint must be filed within 14 days of entry of this Order or within the time remaining for Plaintiff to respond to the motion, whichever is longer.

As a result, Plaintiffs are presented with a choice of how to proceed, given that a Motion to Dismiss has been filed. Plaintiffs may file a second amended complaint, in which case the court will deny without prejudice the currently pending Motion to Dismiss as moot, or Plaintiffs may file a response to Defendants' motion. If Plaintiffs elect not to file an amended complaint and instead files a substantive response, the court will rule on the pending motion and any dismissal may be with prejudice.

IT IS SO ORDERED.

Date: April 1, 2025

s/F. Kay Behm

F. Kay Behm

United States District Judge